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Supreme Court, U.S.
FILED

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No.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1997

RAYMOND WAHRMAN

Petitioner,

v.

JOHN A. WAHRMAN
TERRY ELLINGER
MARY ELLINGER

Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

RAYMOND WAHRMAN
RR 4, Box 265
McCook, Nebraska 69001
(308) 345-2507

15 pp

QUESTIONS PRESENTED FOR REVIEW

1. Money accepted as payment for property, but ownership never granted.

2. Judge has refused to allow evidence of payment, and stated it's irrelevant.

3. Land legally sold twice without previous owner's consent.

PARTIES TO THE PROCEEDING

John A. Wahrman
Terry Ellinger
Mary Ellinger

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BRIEF JURISDICTION

In The District Court Of
Red Willow County, Nebraska
April 8, 1994
(See Appendix A)

In The United States District Court
For The District Of Nebraska
December 5, 1995
(See Appendix B)

United States Court Of Appeals
For The Eighth Circuit
August 22, 1996
(See Appendix C)

United States Court Of Appeals
For The Eighth Circuit
May 8, 1997
(See Appendix D)

United States Court Of Appeals
For The Eighth Circuit
June 18, 1997
(See Appendix E)

STATEMENT OF THE CASE

Theft of property allowed without investigation by the jurisdictional system.

JOHN A. WAHRMAN, a brother of Raymond Wahrman, was named in the Mary Wahrman Trust, and the Trustees divided the property in equal shares.

John A. Wahrman, for some reason filed a partition sale after they voided the Trustee's Deeds. Raymond Wahrman then in 1990 paid the 3 brothers, JOHN A. WAHRMAN, JOE C. WAHRMAN and HAROLD WAHRMAN, to a total value of $65,000.00 for the quarter section of land.

JOHN A. WAHRMAN from his 1/4 share, paid BURGER, BENNETT & GREEN some $6,000.00 of this money to have them hold a partition sale with CLYDE STARRETT as a referee.

This CLYDE STARRETT held 3 sales, of which JOHN A. WAHRMAN would be the only person to make him an offer. Raymond Wahrman raised the bid each time the first 2 sales, and he would not accept the bids from Raymond Wahrman.

On CLYDE STARRETT's third sale of March 10, 1994, JOHN A. WAHRMAN said $20,000.00, and Raymond Wahrman was ordered by the Willow County Sheriff MAHON to get gone, the sale is over.

CLYDE STARRETT gave Terry Ellinger and Mary Ellinger a Referee Deed to the land, and then Sheriff Mahon and his Deputy Hollars helped him cut 43 acres, my wheat I had planted, for a value of $14,000.00. The ASCS Director then got the CRP of the U.S. Department of Agriculture to cancel my contract and this $16,900.00 changed and paid to Terry and Mary Ellinger.

Sheriff Mahon has kept me off and away to ever enter this land that I have had a Trustee's Deed and paid 3/4 of $65,000.00 for. Terry Ellinger for paying $20,000.00 to CLYDE STARRETT has been able to rob me of over $100,000.00 of my land and property. Clyde Starrett has never paid me any money from his Referee Sale of my land that Ellinger's are controlling in Red Willow County, Nebraska.

Assisting in this skam and theft were: John A. Wahrman, Terry Ellinger, CPA, Mary Ellinger, Clyde Starret, Sheriff Mahon, Deputy Sheriff Hollars, the Red Willow County Attorney, and Maurice Green of Burger, Bennett & Green.

The District Judge, John J. Battershell, has refused to allow any of my evidence to the court file and record. When I tried to show the cancelled paid checks paid to each brother, JOHN A. WAHRMAN, JOE C. WAHRMAN and HAROLD WAHRMAN, he simply told me that that was irrelevant to this case and get out of here. So this CPA, Terry Ellinger, has been able to rob all my property along with the sheriff, county attorney, CLYDE STARRET and BURGER, BENNETT & GREEN (Maurice Green).

CONCLUSION

Raymond Wahrman has paid the 3 brothers, JOHN A. WAHRMAN, JOE C. WAHRMAN and HAROLD WAHRMAN, a fair value to the property and each did accept and cash the checks. CLYDE STARRET has assigned and approached Terry Ellinger to pay him less than 1/3 of what I paid and has kept or stolen all these proceeds.

REASON FOR GRANTING THE WRIT

To investigate the proceedings of the sale of land, and determine legal ownership of said land.

Respectfully submitted,

Raymond Wahrman Dated: 10-30-97

Raymond Wahrman
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APPENDIX A

IN THE DISTRICT COURT OF
RED WILLOW COUNTY, NEBRASKA

Case No. 13,581

Journal Entry

John A. Wahrman, Plaintiff
v
Joe Wahrman, et al., Defendants.

NOW ON THIS 8th day of April, 1994, this matter came on for hearing upon reimbursement of costs and fees due in this partition action. The Honorable John J. Battershell presiding. Present was the plaintiff by and through his attorney Maurice Green, Clyde Starrett, referee and Raymond Wahrman, in person, and after inquiry, specifically waiving counsel and authorizing this court to proceed. Evidence was presented as to costs and fees in this matter by the plaintiff and defendant Raymond Wahrman.

This Court being duly advised in all premises finds that referee Clyde Starrett has been paid $20,000.00 as proceeds from the March 10, 1994 sale which was confirmed and ratified on March 11, 1994 by order of this Court. This Court being duly advised in all premises finds that costs and fees as submitted are hereby approved and that distribution of the $20,000.00 received from the sale should be distributed as follows:

(Continued)

BEST AVAILABLE COPY

$4,800.00	Attorneys fees to Burger, Bennett & Green, P.C.
998.91	Costs advancement reimbursement Burger, Bennett & Green, P.C.
273.56	McCook Daily Gazette
180.00	KRVN Radio
1,600.00	Clyde Starrett, Referee
$7,852.47	TOTAL FEES AND EXPENSES

From the above calculations, the remaining balance is $2,147.53 to be equally divided between the four heirs, being Joe Wahrman, John Wahrman, Raymond Wahrman, and Harold Wahrman, to be paid as follows:

$3,036.89 to John Wahrman; $3,036.88 to Harold Wahrman, Joe Wahrman and Raymond Wahrman.

Based upon the above distribution, there is a zero remaining balance, costs and fees are to be paid accordingly and the case is closed.

IT IS SO ORDERED

BY THE COURT:

s/John J. Battershell
District Judge

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

7:CV95-5023

Judgment

Raymond Wahrman, Plaintiff
v
John A. Wahrman;
Terry Ellinger;
Mary Ellinger, Defendants

In accordance with the memorandum opinion and order entered on this date, it is ordered that this action is dismissed with prejudice.

Dated this 5th day of December, 1995.

BY THE COURT:

s/William G. Cambridge, Chief Judge
United States District Court

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 96-1220NENP

Raymond Wahrman, Appellant
v
John A. Wahrman;
Terry Ellinger;
Mary Ellinger, Appellees

Appeal from the United States District Court
for the District of Nebraska

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is vacated and the cause is remanded to the district court for proceedings consistent with the opinion of this court.

Dated: August 22, 1996

A true copy.

ATTEST: s/Michael E. Gans
Clerk, U.S. Court Of Appeals,
Eighth Circuit

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 97-2145NENP

Raymond Wahrman, Appellant
v
John a. Wahrman;
Terry Ellinger;
Mary Ellinger, Appellees

Appeal from the United States District Court
for the District of Nebraska

JUDGMENT

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is affirmed. See Eighth Circuit Rule 47A(a).

Dated: May 8, 1997

A true copy.

ATTEST: s/Michael E. Gans
Clerk, U.S. Court Of Appeals,
Eighth Circuit

APPENDIX E

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 97-2145NENP

Raymond Wahrman, Appellant
v
John A. Wahrman;
Terry Ellinger;
Mary Ellinger, Appellees

Appeal from the United States District Court
for the District of Nebraska

The petition for rehearing filed by the appellant has been considered by the court and is denied.

Dated: June 18, 1997

Order Entered at the Direction of the Court:

s/Michael E. Gans
Clerk, U.S. Court of Appeals,
Eighth Circuit